

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF NEW MEXICO

STATE OF NEW MEXICO, *ex rel.*
State Engineer

Plaintiff,

v.

RAMON ARAGON, *et al.*,

Defendants.

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69cv07941 JEC:ACE

RIO CHAMA STREAM SYSTEM
Section 7: Rito de Tierra Amarilla

STATUS REPORT

COMES NOW the plaintiff State of New Mexico *ex rel.* State Engineer and files this status report in connection with settlement and historic use questions involving the following defendants and subfiles:

FRANK C. SENA	CHTA-001-0001
JOHN M. SENA	CHTA-001-0001
AGRIPINA G. SALAZAR	CHTA-001-0002
VICTOR SALAZAR, SR.	CHTA-001-0002
ELLIS GORDON SCHLEGEL	CHTA-002-0001
ASCENCION LABRIER	CHTA-002-0002
HEIRS OF CARLOTA L. MARTINEZ	CHTA-002-0003, CHTA-003-0001

Following the pretrial conference held on June 4, 2003 (*see* order setting pretrial conference filed May 14, 2003 (docket 7129)), the above named defendants decided not to engage the services of a professional historian at this time to research settlement and historic use questions in connection


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with the land under the above listed subfiles. Instead, the defendants have asked Damián Eturriaga, a life-long resident of the area who was also present at the pretrial conference, to collect and assemble any information and documents that support the defendants' claims of pre-1907-use of water, and to present this information to the State's historian, John O. Baxter, for his evaluation and review.

Mr. Eturriaga has assembled a considerable amount of documentary information and he is in the process of organizing this information in an understandable format. Although he is presently engaged in various seasonal ranching activities, Mr. Eturriaga believes he will be able to complete the compilation of this information by the end of September. After he has been able to meet with the defendants in September to discuss the information he has compiled, he will provide all of the documents and information to John O. Baxter. Mr. Eturriaga has also suggested that it may be helpful for Dr. Baxter to see certain landmarks in order to understand the boundaries described in various deeds, and to correctly locate the land described in those deeds. The State agrees in principle with this proposal and will suggest to Dr. Baxter that such a field excursion may be helpful.

Until the State has had an opportunity to review and evaluate the information Mr. Eturriaga intends to submit, it is unable to state whether or not additional research by Dr. Baxter may be necessary, or estimate how long this may take. For this reason, the State makes no proposal for a hearing schedule in connection with these subfiles at this point in time.


Respectfully submitted,


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CERTIFICATE OF SERVICE

I certify that copies of the above Status Report were mailed to the following persons on August 6, 2003.


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